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REMARKS

Claims 1-29 are pending in this patent application (the subject patent application). The Examiner has essentially repeated his previous rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. 6,601,100) in view of Jammes et al. (U.S. 6,484,149), and has made the rejection final the newly added claims 27-29 are rejected based on the same rationale. The continued rejection of the claims is respectfully disagreed with, and is traversed below.

As was previously pointed out, the commonly assigned Lee et al. (U.S. 6,601,100) patent is a continuation of the patent application referred to in the subject patent application at page 9, line 19, to page 10, line 5, and the disclosure of the Lee et al. patent application is incorporated by reference in the subject patent application.

Note that Lee et al. (U.S. 6,601,100) reference a related application 09/238,238 at col. 1, lines 8-14, and at col. 11, lines 2-11, as teaching an aggregation system and method having general applications in the analysis of Web site performance. It is believed that the reference to Serial Number 09/238,238 is erroneous, and that the correct serial number is 09/238,348, filed on January 27, 1999. For the convenience of the Examiner, a copy of US2002/0161673 A1 (Lee et al.) entitled "Aggregating and Analyzing Information About Content Requested in an E-Commerce Web Environment to Determine Conversion Rates", S.N. 10/098,854, filed 03/13/2002, which claims priority from S.N. 09/238,348, was provided in the previous response.

As is stated in paragraph [0071]:

"Generally, the conversion rates measure the effectiveness of marketing of a product in an e-commerce Web site, representing what percentage of requesters a hyperlink retained and carried over to the next step in the shopping process. Steps in the shopping process include: being introduced to the product, browsing the information of the product, inserting the product into the shopping cart, and/or placing an order for the product, as they click on hyperlinks of the product associated with each step",

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and see also Lee et al. (U.S. 6,601,100) at col. 11, lines 53-61.

The Examiner is correct in stating that Lee et al. (U.S. 6,601,100) fail to disclose an "analysis data window that has analysis data about the effectiveness of the respective product page, the type of analysis data determined by a type of analyst that uses the interface and the analysis data window presented in proximity to the respective product page." The same can be said as well for the commonly assigned Lee et al. (US2002/0161673 A1), which is incorporated by reference as Lee et al. (09/238,238 [sic] 09/238,348) into Lee et al. (U.S. 6,601,100).

The Examiner has continued to use Jammes et al. for purportedly teaching this subject matter, and has argued that it would have been obvious to one skilled in the art to employ the Lee et al. (U.S. 6,601,100) method and system with the Jammes et al. method for "viewing product information for generating web pages, because it is not only easy for analysts to understand, but also, allows them to reach a particular product in a convenient and timely manner." The basis for the rationale behind the Examiner's rejection is not agreed with.

It is first noted that it is not admitted that the Applicants agree that there is a suggestion or motivation to combine Lee et al. (U.S. 6,601,100) and Jammes et al. as the Examiner has attempted to do, and for the reasons stated by the Examiner. Furthermore, and even if the proposed combination was accomplished, it will be shown below that the combined method/system would not render the claimed subject matter unpatentable or obvious to one skilled in the art.

In one aspect Jammes et al. purport to teach a system and method for designing and operating an electronic store. The design process uses a hierarchical tree-structured iconic graphical user interface approach to electronic store Web page design and update. In another aspect Jammes et al. teach a technique as described generally at col. 4, lines 19-27:

"The Merchant Workbench provides a further advantage over present electronic store systems by monitoring the shopping behavior of consumers to gather traffic

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analysis data, and by using the traffic analysis data to customize the navigable store hierarchy presented to each consumer. The store hierarchy presented to each consumer is customized according to recorded shopping habits of the particular consumer to make the on-line shopping experience more convenient and expedient as well as more pleasant".

From col. 43, line 13, to col. 44, line 9; and from col. 48, line 31, to col. 56, line 16 there is described in greater detail a technique to customize web pages based on the consumer. As is stated in col. 48, lines 33-65:

"The Merchant Workbench learns shopping behaviors of individual consumers and automatically adjusts the structure and content of Web pages to allow consumers to more efficiently access their favorite products or product categories. To learn shopping behaviors of individual consumers, the Merchant Workbench compiles an historical log detailing each consumer's use of an electronic store, such as which pages each consumer accesses and which products each consumer orders.

A traffic analysis database logs (i.e., stores information about) an individual consumer's access to each Web page and also logs each consumer's order for any product. The traffic analysis database thus, in one embodiment, comprises a 'browse' table and a 'product orders' table.

The browse table comprises data records having at least the following fields:

Consumer_ID	(value uniquely identifying a consumer)
Template_File	(representing a Web page accessed by a consumer)
Product_ID	(value identifying product ordered)
Group_ID	(value identifying product category for ordered product)
Date	(date Web page was accessed)
Time	(time Web page was accessed)

Each time a consumer accesses any Web page of an electronic store, a software tool of the present invention creates a new data record in the browse table to log information identifying the consumer, the page accessed, and the date and time of the access. It will be understood that a timestamp which indicates some instance in time can be stored and would suffice to determine when the consumer accessed a Web page".

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As is also stated at col. 56, lines 7-16:

"In the manner described above, the Merchant Workbench permits a designer of an electronic store to construct the Web pages of the store in such a way that the electronic store can automatically adjust the navigable links between pages as well as the content on pages to better suit the needs of individual consumers. One of ordinary skill in the art will appreciate that the mechanisms described above also permit a store designer to customize for a particular consumer any promotional information, sale information, or other content on particular Web pages."

As a part of this customization process the Web server 106 uses "cookies" that are sent to the consumer's or customer's web browser 102 (see Jammes et al. at col. 49, lines 15-67), and the Consumer_ID field of the cookie is subsequently used to identify future visits of that customer to the electronic store web site.

Based on the foregoing, Jammes et al. teach a hierarchical tree-structured iconic graphical user interface approach to electronic store Web page design and update, and further teach the identification of customers/consumers to customize the navigable electronic store hierarchy presented to each customer/consumer.

Based on the foregoing, it is not seen how the teachings of Jammes et al., as they relate to a navigable hierarchy of displayed Web pages, supplies the missing disclosure in Lee et al. (U.S. 6,601,100) that would lead one skilled in the art to the claims of the subject patent application, such as the independent claims 1 and 11. For example, and referring to claim 1, the proposed combination of Lee et al. (U.S. 6,601,100) and Jammes et al. does not expressly disclose or suggest an "analysis data window that has analysis data about the effectiveness of the respective product page", in combination with "the type of analysis data determined by a type of analyst that uses the interface", and "the analysis data window presented in proximity to the respective product page." The hierarchical, iconic graphical user interface of Jammes et al., which is directed to Web page design and updating functions, clearly does not render obvious the display of analysis data about the effectiveness of a product page, in an analysis data window in

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proximity to the product page, where the type of analysis data is "determined by a type of analyst that uses the interface". Jammes et al. appear to simply identify individual customers using the Consumer_ID from a cookie and, based on the customer's previous interaction(s), may modify the navigable electronic store hierarchy presented to that customer. There is no disclosure or suggestion in either Lee et al. (U.S. 6,601,100) or in Jammes et al. of determining a "type of analyst", and subsequently determining what analysis data to present in an analysis data window based on the type of analyst. If the Examiner believes otherwise, he is respectfully requested to identify those passages in Jammes et al. where the claimed subject matter is disclosed or suggested. The Examiner's general references to a "top-down menu approach" and being able to navigate "from high-level menus to lower level menus", etc., certainly does not teach or suggest the subject matter that is actually claimed in claim 1 (or 11), as filed.

In the prior response a merely clarifying amendment was made to independent claim 1 to state that the type of analysis data is "determined automatically by a type of analyst that uses the interface". This clarifying amendment was said to also serve to even further distinguish the claimed invention from the Examiner's proposed combination of Lee et al. (U.S. 6,601,100) in view of Jammes et al.

In the Response to Arguments section of the latest Office Action the Examiner takes issue with some of the foregoing arguments. Specifically, on page 3 the Examiner refers to col. 39, lines 57-65, of Jammes et al. This portion of Jammes et al. states:

"The Merchant Workbench automatically generates a value for the merchant ID field 1322 which is constant for every product offered by a particular merchant. A merchant enters a Product_ID value 1324 and a Product_Name value 1326. The merchant also enters a unit price 1328 and a unit size value 1330. The merchant determines the effective time period for the product by entering a value in the effective date field 1332 and determine when a product will expire by entering a date in the expiration date field 1334."

At col. 39, lines 44-56, it is explained that the merchant ID field 1322 is part of the new product dialogue box 1320 which prompts a user for information about a new product. The new product

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dialogue box 1320 is displayed in response to selection of the new product command 774, and includes the merchant ID field 1322, the Product_ID field 1324, the Product_Name field 1326, and the fields for unit price 1328, unit size 1330, effective date 1332, expiration date 1334, template file 1336 and description 1338, as well as short description 1340 fields, a detail field 1342, and a large image field 1344 and a small image field 1346. The new product dialogue box 1320 also includes a cancel button 1348 and an okay button 1350.

It appears that the Examiner may be equating the new product dialog box 1320, having the merchant ID field 1322, with the subject matter of claim 1. However, as is evident from col. 39, line 44, to col. 41, line 10, the new product dialog box 1320 is simply a tool to enable a merchant to create a data record for a new product in a product table database (col. 40, lines 13-38), and to also support cross-sale relationships (col. 40, lines 39-60).

Further in this regard, near the bottom of page 4 the Examiner refers to col. 4, lines 28-34 of Jammes et al. What is stated in this section is simply that:

"In another advantage over present electronic store systems, the Merchant Workbench stores information indicating that particular products (cross-sale products) are often sold together. Consumers ordering one of such products are automatically presented with links to web pages describing related products."

However, claim 1 recites in part that an analysis data window has "analysis data about the effectiveness of the respective product page, the type of analysis data being determined automatically by a type of analyst that uses the interface and the analysis data window presented in proximity to the respective product page."

The new product dialog box 1320 of Jammes et al. is clearly not disclosed to include any fields that would support at least the highlighted subject matter in claim 1. The merchant ID field 1322 is simply an identifier for the merchant who happens to be entering the new product-related data into the new product database. Further, the fact that information can be stored concerning cross-sale products, so that consumers can be automatically presented with "links to web pages

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describing related products", is not analogous to, and does not render obvious the claimed subject matter. That is, this ability to provide cross-sale product-related information to a consumer clearly does not suggest an analysis data window that has at least "analysis data about the effectiveness of the respective product page, the type of analysis data being determined automatically by a type of analyst", as recited in claim 1.

This being the case, the disclosure of Jammes et al., as it further relates to the new product dialog box 1320 as discussed above, clearly does not supply the missing disclosure in Lee et al. (U.S. 6,601,100) that would lead one skilled in the art to the claims of the subject patent application, such as the independent claim 1 (and 11).

In that claim 1 is clearly patentable, then dependent claims 2-10 are patentable as well.

As but one example, claim 2 further specifies the "type of analyst", as per claim 1, includes any one or more of the following: "an administrator, a marketer, a merchandiser, a Web designer, a store owner of the online store, a system analyst, a product analyst, and a sales analyst."

In rejecting claim 2 the Examiner refers to Lee et al. (U.S. 6,601,100) at col. 3, lines 31-35. However, what is actually stated in col. 3, lines 31-35 is the following:

"Without the ability to collect, aggregate, and/or analyze detailed information about the interaction of visitors with Web content, Web designers and marketers currently rely on ad hoc knowledge of a few experts in the area (e.g. creative designers)."

It is again asserted that this limited disclosure certainly does not render obvious the subject matter of claim 2, particularly when read in the context of clearly allowable claim 1.

Also in the Response to Arguments section of the latest Office Action the Examiner takes issue with the previous argument concerning claim 2, and appears to refer again to col. 4, lines 28-34, as to consumers being automatically presented with web pages. It is not clear what this has to do

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with claim 2, as the exemplary claimed analyst types "an administrator, a marketer, a merchandiser, a Web designer, a store owner of the online store, a system analyst, a product analyst, and a sales analyst" is not seen to include the "consumers ordering one of such products" as is recited in col. 4, lines 28-34.

This further limited disclosure thus certainly does not render obvious the subject matter of claim 2, particularly when read in the context of clearly allowable claim 1.

Also by example, and with regard to claim 3, since it has been shown that the proposed combination of Lee et al. (U.S. 6,601,100) in view of Jammes et al. does not teach or suggest an analysis data window as is claimed in claim 1, then the claimed types of analysis data displayed in such a window, where the type of analysis data is "determined automatically by a type of analyst that uses the interface", is certainly also not disclosed or suggested.

The foregoing arguments apply equally to method claim 11. In rejecting claim 11 the Examiner makes reference to Jammes et al. at col. 2, lines 34-40, with regard to the second element of claim 11 (analysis data window, user class, etc). This reference is not understood, as this portion of Jammes et al. states only that:

"Many on-line catalogs presenting inventories of electronic stores use a top-down menu approach wherein an initial catalog page appearing on a consumer's computer screen lists general product categories. If a user selects one of the general categories, another page appears on the computer screen presenting a narrower subordinate menu of product lines. Thus, a user navigates from high level menus to lower level menus, eventually reaching a page that describes an individual product."

Exactly how this discussion of prior art on-line catalogs relates to the claimed subject matter is not understood.

However, method claim 11 has also been clarified by amendment to recite that the method includes:

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"providing an analysis data window that has analysis data about the effectiveness of the respective product page, the type of analysis determined by a user that uses the interface and the analysis data window presented in proximity to the respective product page, the user being in a user class and the type of analysis being determined automatically by the user's user class" (emphasis added).

Also in the Response to Arguments section of the latest Office Action the Examiner takes issue with the previous argument concerning claim 11, and appears to refer again to col. 4, lines 28-34, as to consumers being automatically presented with web pages. It is not clear what this has to do with claim 11, as the claimed subject matter, e.g., the user being in a user class and the type of analysis being determined automatically by the user's user class" is not seen to be analogous to, or suggested by, or rendered obvious in view of, the disclosure of the "consumers ordering one of such products" and being "automatically presented with links to web pages describing related products", as is recited in col. 4, lines 28-34.

Claim 11, and dependent claims 12-26 are thus also clearly patentable over the proposed combination of Lee et al. (U.S. 6,601,100) in view of Jammes et al.

The Examiner is respectfully requested to reconsider and remove the rejection of claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. 6,601,100) in view of Jammes et al.

All of the arguments presented above as to the patentability of the independent claims 1 and 11 apply as well to the independent claim 27, as the Examiner in rejecting these claims also states that Lee et al. (U.S. 6,601,100) fail to disclose an "analysis data window that has analysis data about the effectiveness of the respective product page, the type of analysis data being determined automatically by a type of analyst that uses the interface and the analysis data window presented in proximity to the respective product page.", and then uses Jammes et al. for purportedly teaching this subject matter, stating the Jammes et al. use the "top-down menu approach" etc., and that the Jammes et al. method is used for "viewing product information for generating web pages, because it is not only easy for analysts to understand, but also, allows them to reach a

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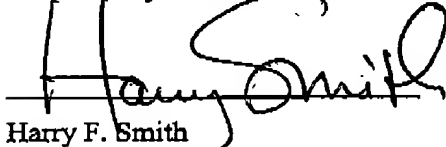
particular product in a convenient and timely manner."

Claim 27 recites in part that there are second computer program instructions that are "responsive to stored analysis data that represents a historical record of use of the product pages by customers and potential customers" and an online store and that "indicates an effectiveness of the product pages, to display an analysis data window in proximity to a respective one of the product pages, where a specific type of analysis data that is displayed in the analysis data window is determined automatically by determining a type of analyst that uses the interface."

For all of the reasons argued above, claims 27-29 are also deemed to be patentable over the proposed combination of Lee et al. (U.S. 6,601,100) in view of Jammes et al., as at least the foregoing subject matter is not disclosed or suggested.

The Examiner is respectfully requested to reconsider and remove the final rejection of claims 1-29 as being unpatentable over Lee et al. (U.S. 6,601,100) in view of Jammes et al., and to make a favorable reconsideration that results in the early allowance of claims 1-29.

Respectfully submitted:


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